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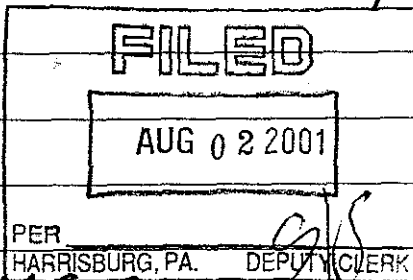
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM DONALD MARSHALL,
PETITIONER,

CASE # 1:CV-01-0949

2 Rambo

VS.



MOTION FOR LEAVE TO
PROCEED IN FORMA
PAUPERIS AND FOR
ORDER TO AID RULE 23
OF FRAP 28 USC

ROBERT L. RATGER,
RESPONDENT,

Petitioner moves for this Honorable Court for an order permitting him to proceed on appeals filed with the Clerk of this Court on July 25, 2001, in forma pauperis without prepayment of fees and cost or security therefor, because as indicated by the attached affidavit, petitioner is unable to pay the cost or give security therefor proceeding on appeal.

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Petitioner further seeks an order from the court to aid in the enforcement of Rule 23(a) of Federal Rules of Appellate Procedure to insure petitioner will not be extradited to State of Virginia during the pendency of his appeal and during such periods petitioner is proceeding to exhaust all state appellate remedies prior to review in U.S. District Court per order of Honorable Judge Rambo of July 18, 2001. Based on information provided to Petitioner through his state appointed Public Defender Scott Stein, as well as that evident by statement of Respondent in his second Answer to Petitioner's 'Petition for Writ of Habeas Corpus' at paragraph #3, it is clear that unless this Court reinstates its order at paragraph #4 dated June 5, 2001

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petitioners will not only be denied appellate state court review, but will be precluded from seeking second review by this court since petitioners will be immediately extradited to Virginia after hearing tentatively scheduled for Wednesday, Aug. 1, 2001 at 9 am. before the Honorable Robert Elzy in the Lebanon County Court of Common Pleas. Despite the right of an appeal from an order denying state habeas corpus in said Court of Common Pleas, it is the intent of the State Attorney to ignore the mandatory provisions of Rule 2 without enforcement order, thus causing petitioners to be removed to Virginia without any state or federal review by an appellate court or by this court. Petitioner is sorry for having to take the time from this court's already

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business schedule to seek an order to aid a mandatory rule that the Respondent should but won't comply by absent such order. Since the provisions of Rule 23(c) are mandatory on Respondent, thus establishing my right to remain in jurisdiction wherein Petitioner seeks state and federal appellate review of decision by Lebanon County Court of Common Pleas, if Respondent causes Petitioner to be extradited prior to afforded opportunity to seek appellate review whereas Respondent knows he would be violating Rule 23(a), his conduct should be investigated for his deliberate intent to violate petitioner's rights and thus Respondent should be held accountable for his criminal conduct pursuant to 18 USC 241 and/or 242.

Whereas, petitioner prays that this Honorable

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Court grant Petitioners leave to proceed on appeal in forma pauperis, and for the Court to further order that petitioners' custody not be transferred during pendency of said appeal, or where the court might amend its order of July 18, 2001 by holding its decision in 'abeyance' while Petitioners exhaust all state court appellate remedies and thus reinstate paragraph #4 of its Order dated July June 5, 2001 as to enforce Rule 23 upon Respondents.

Dated this July 30, 2001

Respectfully submitted,
William Donald Marshall
Petitioners, Pro Se

cc: David Arnold, Deputy State Attorney
Rational Lauren D. Wild
Kenneth Wallis, Spouse